

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER PAL VARGA, et )  
al. )  
TITLE: METHOD OF IMPLANTING )  
AN INTERVERTEBRAL )  
SPACER )  
SERIAL NO.: ) PRELIMINARY AMENDMENT  
FILED: )  
EXAMINER: )  
ART UNIT: )

Commissioner for Patents  
Washington, D.C. 20231


Sir:

Preliminary to the examination of the above-captioned application, please enter this Amendment and reconsider the above captioned application in view of the amendments and the remarks provided below.

CERTIFICATE OF EXPRESS MAILING

DATE OF MAILING January 22, 2002 EXPRESS MAIL LABEL NO: ET243162726US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to: Commissioner for Patents, Washington D.C. 20231

  
Karl R. Cannon  
Attorney Registration No. 36,468  
Attorney for Applicant

Please amend the above-captioned application as follows:

Version of Amendments with Markings to Show Changes Made.

IN THE SPECIFICATION:

On page 1, please amend the title as indicated below:

METHOD OF IMPLANTING AN INTERVERTEBRAL SPACER

Clean Version of Amendments.

IN THE SPECIFICATION:

On page 1, please replace the title with:

METHOD OF IMPLANTING AN INTERVERTEBRAL SPACER

On page 2, after CROSS-REFERENCE TO RELATED APPLICATIONS,  
please insert the following paragraph:

This application is a division of co-pending U.S. Patent Application Serial No. 09/592,072, filed June 12, 2000, entitled "INTERVERTEBRAL SPACER" which is hereby incorporated by reference herein in its entirety, including but not limited to those portions that specifically appear hereinafter.

IN THE CLAIMS:

Please cancel claims 1-31, without prejudice.

Please add new claims 44-51 as indicated below:

44. (New) The method of claim 35, wherein attaching holding means further comprising affixing pedicle screws to posterior pedicle portions of the vertebral bodies, and interconnecting rods with the pedicle screws.

45. (New) The method of claim 32 further comprising removing a posterior portion of one of the vertebral bodies for autogenous bone grafting.

46. (New) The method of claim 32 further comprising placing a lamina spreader between spinous processes to spread adjacent vertebral bodies apart.

47. (New) The method of claim 32 further comprising inserting a trial spacer having sharp edging into the incision to clear away tissue from the incision.

48. (New) The method of claim 32 further comprising preparing a bone graft from autogenous bone graft material.

49. (New) The method of claim 48 further comprising harvesting autogenous bone and passing said autogenous bone through a mill to form said autogenous bone graft material.

50. (New) The method of claim 46 further comprising removing said lamina spreader after said spacing member is in place and closing the incision.

51. (New) The method of claim 32 wherein part (c) further comprises tightening pedicle screws to maintain said compression.

#### REMARKS

Applicant requests that this Amendment be entered prior to examination of this application. The subject matter added to the claims is supported in the disclosure and is therefore not new matter.

In view of the foregoing, applicants believe that claims 32-51 are all allowable and the same is respectfully requested. If any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be alleviated during a telephone interview, the Examiner is invited to initiate the same.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0836.

DATED this 22 day of January, 2002.

Respectfully submitted,

A handwritten signature in cursive script, reading "Karl R. Cannon", written over a horizontal line.

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